APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,750	10/29/2003	Brian D. Peavey	10991191-2	8767

7590   05/17/2007

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EXAMINER
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ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
05/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
		10/697,750	PEAVEY ET AL.
Office Action Summary		Examiner	Art Unit	
		Saeid Ebrahimi-dehKordy	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 February 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-45</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-45</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Response to Amendment

1.   Applicant's arguments filed 2/28/07 have been fully considered but they are not

persuasive. Applicant argues that Aoyagi et al fails to disclose the claim interface of the host

computer, Examiner points out on (Fig.2, column 7, lines 12-15 the keyboard and mouse

manipulating the data for editing and creating, also note column 14, lines 62-67). Applicant also

argues that Aoyagi fail to disclose of suggest the image forming device including the processor

configured to process original data and edit data as claimed, Examiner disagrees and points out

again, (Fig.3 item 313 and the whole image processing unit or which is configured to control the

whole process of forming image on the media, column 7, lines 33-52). Applicant argues that the

Aoyagi fails to disclose or suggest the claimed image engine configured to form an image

corresponding to the process original data and the process edit data. Examiner disagrees and

points out (note Fig.3 item 302 the writing unit or in this case the print engine which would print

the end results, Fig.3, column 7, line 34 through column 8, line 12). Applicant argues on claim 6,

that no teaching is disclosed on the cited passage however (Aoyagi et al disclose on Fig.3

column 7 line 34 to column 8 line 12 the writing unit 302 which would print the image data and

edited data). Applicant argues on claim 14 that Aoyagi et al fails to teach or disclose editing the

original data using the host computer. Examiner disagrees and points out the (abstract, lines 10-

12, where the computer would executes the processing for reading the image data from the

memory, editing the image data and writing the edited image data again in the memory).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

3. Claims 1, 3-4, 6-8, 10-16 and 18-45 are rejected under 35 U.S.C. 102(e) as being

anticipated by Aoyagi et al (U.S. patent 5,982,999)

Regarding claim 1 and 28 Aoyagi et al disclose: An image forming system comprising:

A host computer (please note Fig.1 item 100 the computer) including:

A memory device configured to store original data (not abstract, lines 10-11, also note Fig.2

items 201,202 and 102 column 6 lines 55-67 and column 7 lines 1-20) and an interface

configured (note column 14, lines 49-67, where the keyboard is user to manipulated the data) to

receive edits of the original data providing edit data (please note Fig.4 item 407 the interface

which interacts with the printer column 8 lines 35-45) and An image forming device (note Fig.1

item 101, the copier) including: An input coupled with the host computer (note Fig.1 items 101

and 100) and configured to receive the original data and the edit data (note abstract lines 8-16,

also note Fig.3 column 7 lines 34-40) a processor (note Fig.3 item 313 and the whole image

processing unit or which is configured to control the whole process of forming image on the

media, column 7, lines 33-52) configured to process the original data prior to the image forming

device receiving the edit data and to process the edit data after the processing the original data

(note Fig.3 item 303 and the whole image processing unit or which is configured to control the

whole process of forming image on the media, column 7, lines 33-52, also, note Fig.5 column 18

lines 52-67 and column19 lines 1-16 and 37-48 where original image data and edited image data

are processed) and an image engine configured to form an image corresponding to the processed

original data and the processed edit data (note Fig.3 item 302 the writing unit or in this case the

print engine which would print the end results, also note column 7 lines 40-45).

Regarding claim 3 Aoyagi et al disclose: The system according to claim 1 wherein the interface

of the host computer and the input of the image-forming device are individually configured to

receive commands and the image engine is configured to form the image responsive to the

commands (please note column 12 lines 36-42).

Regarding claims 4 and 10 Aoyagi et al disclose: The system according to claim 1 wherein the

image engine comprises a print engine configured to form the image upon media (please note

column 7 lines 40-47).

Regarding claim 6 Aoyagi et al discloses: An image forming method comprising: Providing an

image forming device (please note Fig.3, the coping machine) first receiving original data within

the image forming device (note abstract lines 8-10 where the image data is received and stored in

the memory of the copying machine, Also note please note column 18 lines 52-55) first

processing the original data using the image-forming device (Note Fig.3 column 3, lines 34-45,

also note column 18 lines 52-55) Second receiving edit data of the original data within the image

Forming device (note abstract lines 12-16 where the edited data is send to the copying machine,

also note column 18 lines 55-58) second processing the edit data using the image forming device

(note abstract lines 12-16 where the edited data is send to the copying machine, also note,

column 18 lines 65-67 and column 19 lines 1-4) and forming an image after the processing

corresponding to the original Data and the edit data (note Fig.3 item 302 the writing unit or in

this case the print engine which would print the end results, also note column 19 lines 5-16).

Regarding claim 7 Aoyagi et al disclose: The method according to claim 6 further comprising

receiving an image command after the first receiving (please note column (please note column

12 lines 36-42).

Regarding claim 8 Aoyagi et al disclose: The method according to claim 6 further comprising

receiving an image command after the second receiving (please note column 12 lines 36-42).

Regarding claim 11 Aoyagi et al disclose: The method according to claim 6 further comprising:

providing a host computer (please note Fig.1 item 100) and executing image specification

instructions using the host computer providing the original data and the edit data (please note

Fig.2 column 7 lines 10-20).

Regarding claim 12 Aoyagi et al disclose: The method according to claim 6 wherein the first

processing comprises beginning processing before the second receiving (please note column

(please note column 18 lines 53-67).

Regarding claim 13 Aoyagi et al disclose: The method according to claim 6 wherein the second

receiving comprises receiving after the first receiving of the entire original data (please note

column 19 lines 1-16).

Regarding claim 14 Aoyagi et al disclose: An image forming method comprising: providing

original data using a host computer first applying the original data to the image forming device

(note column 1 lines 6-11, where the data is transmitted between the computer and copying

machine, also note column 18 lines 53-55 where the image reader in the computer puts the data

out to the image forming device item 101 of Fig. 1) Processing the original data using an image-

forming device (Note Fig.3 column 3, lines 34-45, also note Fig.3 item 301 "image processing

unit" where the original data gets processed column 7 lines 35-43) Editing the original data

providing edit data using the host computer (note abstract lines 3-9, where the image data is

edited by the computer, also note column 18 lines 55-56 where the editor is designated in the

host computer to edit the original data) Second applying the edit data to the image-forming

device (note abstract lines 13-16, where the edited image data is processed by the copying

machine, also note column 18 lines 66-67 and column 19 lines 1-2) Processing the edit data

using the image forming device after the Second applying (note abstract lines 13-16, where the

edited image data is processed by the copying machine, also note column 19 lines 2-4) and

forming an image according to the original data and the edit data after the processing (note Fig.3

item 302 the writing unit or in this case the print engine which would print the end results).

Regarding claim 15 Aoyagi et al disclose: The method according to claim 14 further comprising

applying an image command to the image-forming device using the host computer after the first

applying and the forming is responsive to the applying the image command (please note column

12 lines 35-42 where the execution of mode setting is determined by the host computer).

Regarding claim 16 Aoyagi et al disclose: The method according to claim 14 further comprising

applying an image command to the image-forming device using the host computer after the

second applying and the forming is responsive to the applying the image command (please note

column 12 lines 35-42).

Regarding claim 18 Aoyagi et al disclose: The method according to claim 14 wherein the

forming comprises forming the image upon media using a print engine (please note column 7

lines 40-47).

Regarding claim 19 Aoyagi et al disclose: The method according to claim further comprising

executing image specification instructions using the host computer providing the original data

and the editing (please note column 20 lines 61-67 and column 21 lines 1-7).

Regarding claim 20 Aoyagi et al disclose: The method according to claim 14 wherein the

processing the original data comprises beginning processing before the second applying (please

note column 19 lines 1-15).

Regarding claim 21 Aoyagi et al disclose: The system according to claim 1 wherein the

interface is configured to receive the edits comprising edits of content of the original data (note

column 18 lines 52-65).

Regarding claim 22 Aoyagi et al disclose: The system according to claim 1 wherein the

interface is configured lo receive the edit comprising edits entered by a user (note 18 lines 52-67

and column 19 lines 1-13).

Regarding claim 23 Aoyagi et al disclose: The system according to claim 1 wherein the image engine is configured to form the image using the processed original data and the processed edit data (note column 19 lines 1-16).

Regarding claim 24 Aoyagi et al disclose: The system according to claim 1 wherein the interface is configured to receive the edits comprising edits of Less than all of the original data (note

Regarding claim 25 Aoyagi et al disclose: receiving comprises the original data. The method according to claim 6 wherein the second receiving the edit data comprising edit data of content of the original data (note column 18 lines 55-65).

Regarding claim 26 Aoyagi et al disclose: The method according to claim 1 4 wherein the editing comprises editing content of the original data (note column 18 lines 52-62).

Regarding claim 27 Aoyagi et al disclose: The method according to claim 14 wherein the editing comprises **changing** responsive to edits indicated by a user (note column 18 lines 52-67 and column 19 lines 1-15).

Regarding claim 29 Aoyagi et al disclose: The device according to claim 28 wherein the processing circuitry is configured to rasterize the original data and the edit data to process the original data and the edit data (note column 19 lines 1-15).

Regarding claim 30 Aoyagi et al disclose: The device according to claim 28 wherein the processing circuitry is configured to initiate the processing of the original data before creation of the edit data using the host (note column 18 lines 52-61).

Regarding claim 31 Aoyagi et al disclose: The method according to claim 6 wherein the forming comprises combining the processed original data and the processed edit data (note column 19 lines 1-12).

Regarding claim 32 Aoyagi et al disclose: The method according to claim 6 wherein the image forming device is configured to initiate the first processing of the original data before creation of the edit data (note column 18 lines 52-67 and column 19 lines 1-15).

Regarding claim 33 Aoyagi et al disclose: The method according to claim 6 further comprising modifying the original data using the edit data after the processing of the original data, wherein the modifying comprises modifying using the image forming device (note column 19 lines 1-15).

Regarding claim 34 Aoyagi et al disclose: The system according to claim 1 wherein the image engine forms the image comprising content of both the original data and the edit data (note Fig.3, column 7, lines 34-52).

Regarding claim 35 Aoyagi et al disclose: The system according to claim 1 wherein the interface comprises a user interface configured to receive user inputs, and the host computer comprises processing circuitry configured to generate the original data and the edit data according to the user inputs.

Regarding claim 36 Aoyagi et al disclose: The system according to claim 35 wherein the processing circuitry is configured to execute an application program to generate the original data and the edit data according to the user inputs (note Fig.3, column 7 line 53 through column 8, line 11).

Regarding claim 37 Aoyagi et al disclose: The system according to claim 1 wherein the input of the image forming device receives the original data and the edit data from the host computer

(note abstract, lines 2-16).

Regarding claim 38 Aoyagi et al disclose: The method according to claim 6 wherein the

forming comprises forming the image to comprise content of both the original data and the edit

data (note Fig.3 column 7 lines 34-52).

Regarding claim 39 Aoyagi et al disclose: The method according to claim 6 further comprising:

receiving user inputs using a host computer; an using the host computer, creating the original

data and the edit data according to the user inputs (note abstract, lines 1-16).

Regarding claim 40 Aoyagi et al disclose: The method, according to claim 6 wherein the first

and second processing individually comprises converting page description language data of

respective ones of the original data and the edit data to display command list data (note column 1

lines 41-48).

Regarding claim 41 Aoyagi et al disclose: he method according to claim 6 wherein the first and

second receiving individually comprise receiving a respective one of the original data and the

edit data from a host computer.

Regarding claim 42 Aoyagi et al disclose: The method according to claim 14 wherein the

forming comprises forming the image to comprise content of both the original data and the edit

data (note Fig.3, column 7 line 53 through column 8, line 11).

Regarding claim 43 Aoyagi et al disclose: The method according to claim 14 further comprising

executing an application program using the host computer (note Fig.2, column 7, lines 10-18)

and wherein the providing comprises providing the original data according to first user inputs

inputted during the executing and the editing comprises editing the original data providing the

edit data according to second user inputs inputted during the executing (note column 14, line 49-

67).

Regarding claim 44 Aoyagi et al disclose: The method according to claim 14 further comprising

creating the original data and the edit data using the host computer (note abstract, lines 1-16).

Regarding claim 45 Aoyagi et al disclose: The method according to claim 14 wherein the

editing comprises changing content of the original data (note column 14 lines 49-67).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 2,5, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Aoyagi et al (U.S. patent 5,982,999) in view of Kishida (U.S. patent 5,995,722).

Regarding claim 2 Aoyagi et al dose not disclose The system according to claim 1 wherein the

processor of the image-forming device is configured to rasterize the original data and the edit

data to provide the processing.

 On the other hand Kishida discloses: The system according to claim 1 wherein the processor of

the image-forming device is configured to rasterize the original data and the edit data to provide

the processing (please note Kishida where Kishida teaches the rasterization of data just before

transferring to the print engine column 8 lines 15-34).

Therefore it would have been obvious to a person of ordinary skill in art at the time of the

invention to modify Aoyagi et al's invention according to the teaching of Kishida, Kishida in the

same field of endeavor teaches the printers that are selectively switched, according to the type of

an input to them, between the function of providing an economical color printing an image

printer offers the function of providing the high resolution by means of PDL in the way a page

printer works.

Regarding claim 5 Kishida discloses: The system according to claim 1 wherein the host

computer includes a processor configured to execute image specification instructions and printer

driver instructions (please note column 8 lines 8-34).

Regarding claim 9 Kishida discloses: The method according to claim 6 wherein the first

processing and second processing individually comprise rasterizing (please note Kishida where

Kishida teaches the rasterization of data just before transferring to the print engine column 8

lines 15-34).

Regarding claim 17 Kishida discloses: The method according to claim 14 wherein the

processing individually comprise rasterizing (please note Kishida where Kishida teaches the

rasterization of data just before transferring to the print engine column 8 lines 15-34).

Contact Information

➤ Any inquiry concerning this communication or earlier communications from the examiner

   should be directed to *Saeid Ebrahimi-Dehkordy* whose telephone number is (571) 272-7462.

The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:30 p.m. If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Kimberly Williams, can be reached at (571) 272-7471.

Any response to this action should be mailed to:

   Assistant Commissioner for Patents
   Washington, D.C. 20231

Or faxed to:

   (571) 273-8300, (for *formal* communications; please mark
   "EXPEDITED PROCEDURE")

Or:

   (703) 306-5406 (for *informal* or *draft* communications, please label
   "PROPOSED" or "DRAFT")

  Hand delivered responses should be brought to Knox building on 501 Dulany Street,
Alexandria, VA.

Any inquiry of a general nature or relating to the status of this application should be directed to

the Group Receptionist whose telephone number is (703) 305-4750.

Saeid Ebrahimi-Dehkordy
Patent Examiner
Group Art Unit 2625
May 7, 2007

KING Y. POON
PRIMARY EXAMINER